

within the new territory of the city must be wholly expended within such area and in the provision of sewerage, lights, water and street improvements or other public improvements. There is one proviso, however, which may make difficult before the expiration of the five-year period a large sum for public improvements. Under the terms of the general law, the City Council may set apart a sum equal to 12 per cent. of the total assessed values of the territory taken into the city, which sum must be wholly expended in and for such territory in public improvements. When such public improvements shall have been made, the amount so set aside shall be added to the city tax rate of \$1.00 per thousand dollars of value.

The amount of money thus expended in the new territory before such setting apart of 12 per cent. of the value of its lands shall be deducted from the sum thus set aside and so determined by the new territory. The acts of the Henrico County Court is required to certify to the Commissioners of taxation of the city a complete list of all real estate thus annexed to the city, for which service he shall receive the remuneration provided by law for such service.

The city of Richmond is specifically required to expend within the territory to be annexed, in addition to the revenue derived therefrom, the sum of \$30,000 for the years 1907 to 1911 in the East End and \$2,000 in the West End. This is exclusive of taxes and contributions. The commissioners, now authorizing the Henrico county schools shall have the right to so continue for three years from the date of this order.

SWEEPING EFFECT ON CITY GOVERNMENT.

City Manager Clegg is required to furnish a map showing a base and diagram showing exactly the exact limits of incorporation, and describing them by routes and bounds with mathematical certainty. City Auditorium Committee is required to make all estimates from the total assessors of Henrico county of the value of territory annexed, and also of the population and existing debts of the county of Henrico which should be borne by the city of Richmond, and also the exact boundaries of the town of Fairground, which is also to be assumed and borne by the city of Richmond.

These are but a few of the conditions of annexation summarized from the order of Judge Neal, but the consequences upon every phase of the city government cannot be calculated at this time with accuracy.

They extend to every phase of municipal government, the judiciary system and the revenue collecting and disbursing agencies. Annexation will mean enormous increase of the work of the courts, and will inevitably result additional cost of courts, clerical assistance and other expenses. The new territory must also be polled immediately upon the actual effectiveness of the assessment order.

TERMINATION OF LONG STRUGGLE.

The decision of this case by the Supreme Court of Appeals in the termination of a long and determined fight for the extension of the corporate limits, instituted by the Joint Committee of Progress, and supported by prominent and public-spirited citizens.

Undeterred by the strenuous opposition of the county, by many influential corporations and other parties owning property in the suburbs and, hitherto, by most members of the Council, the movement was pressed upon the attention of the city. The Times-Dispatch taking the lead in the agitation of extension, it was, in December, 1904, when the movement was first actively inaugurated, and it was then that the City Improvement League began its efforts for a plan of extension that would have increased the city by approximately far beyond time fixed by Judge Neal in his order. Public meetings were held in the various suburbs, and speeches were made pointing out the many advantages to the city and the ensuing strides of incorporation in the city.

Naturally, strong opposition developed, but when the corporation, the street railway, telegraph, telephone, gas and various other industrial and office places located in the suburbs, they could count on the victory. Mr. Pollard said:

"The opinion means that the city of Richmond will have immediate control as soon as the final order is entered by the clerk of the Circuit Court. Richmond wins everything. It becomes at once the duty of the several departments of the city government to extend their administrative functions over the annexed territory. The police, the fire and the educational departments must take control forthwith, and begin in the annexed territory the exercise of their civil and criminal jurisdiction. All deeds for property in the annexed territory must hereafter be recorded in the clerk's office of the Chancery Court, instead of in the clerk's office of Henrico Court. This about summarizes things, I think. We have won a great fight."

FIGHT CARRIED TO HIGHEST TRIBUNAL.

It was not until May 1, 1905, that an ordinance looking to a larger Richmond was introduced into the City Council. The lines were broadly drawn, and there was no question left open and from without. A long and trying struggle ensued, mainly owing to the passage of the Constitutional Law, in June, 1905, of a substitute ordinance, which greatly restricted lines. From that time until August the battle dragged along, with a certain vigorous opposition in the Board of Aldermen, it finally passing.

The ordinance was introduced by the Mayor, and, as soon as the necessary preliminary could be obtained by the initiation of the proceedings in the Henrico County Court, was begun, late in 1905. Under the terms of the general annexation law, a judge from a distant circuit was required to adjudicate the case. Justice E. G. Sibley was designated for the purpose, and the ensuing debate, which was carried on for a week, was born battle in the courts. Finally, by its attorney, Hon. Henry P. Pollard, appeared, and he was assisted in presenting the city's claims by the firm of Mr.

Counselor-at-Law, who made a stubborn fight against annexation. It naturally not a little disappointed, but, at once, bows to the inevitable with the best grace possible. In discussing the matter he referred to the people of the annexed territory as "the people taken in—in both senses." In discussing the result, Mr. Waddington said:

"I feel sorry for the people of Henrico that they have lost this territory, and the citizens dwelling therein, but I feel a very great sorrow for the people of Richmond, because I am sure they have not considered the great responsibilities that they have taken upon their shoulders in annexing our property. They have not yet felt the burden of having to give their new citizens the improvements which they need, and which they are sure to ask for. I feel truly sorry for Richmond. And Richmond hates to give up her citizens and property. The case has ended, so far as the county is concerned. I have fought the best I could, and there is no other appeal

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Mother's Friend, by its penetrating and soothing properties, allays nausea, nervousness, and all unpleasant feelings, and

THE BRADFIELD REGULATOR CO., Atlanta, Ga.

"Berry's for Clothes."



"Berry's for Clothes."



It's a present that Santa Claus will recommend every time—the new Chesterfield or sack overcoat.

It is shaped moderately to the back and has a deep vent; single-breasted, wide lapel, velvet collar and every detail just as the particular man would want it. \$15. to \$30.

Other gifts: Dressing gowns to add to the comforts of home—\$3.50 to \$20. House coats, the newest designs, \$6. to \$20.

Try an Indian suit. Twill give him lots of pleasure—\$1.50.

O.H. Berry & Co.
MEN'S & BOYS QUARTERS

Mr. & Cooke and by Mr. James H. Drake, Jr., who were secured at the instance of the Joint Committee of Progress. Mr. Drake had been active in the movement from the inception, and rendered valuable services.

The Commonwealth's Attorney of Henrico county was aided in representing the county by the Hon. A. Caperton Braxton, and several parties in interest who were opposed to extension of the limits were represented by able attorneys in the trial of the cause.

The hearing of the cause dragged along, many witnesses testifying, so that it was not until February 15th that Judge Neal announced his decision in the matter. The result was a partial victory for the city. The court did not adopt in its entirety the line as drawn by the ordinance, but varied it in various respects, extending much property not deemed adaptable to urban usage and against the incorporation of which there was strenuous opposition. Compromise was another consideration influencing this.

When the fight had been fought out and won by the city in the lower court, the county, through its counsel, took great care, and, as already stated, vigorously attacked the constitutionality of the statute and the validity of the ordinance passed in the interests of the State, and does not consider that any hardship is wrought.

This real estate valuation of the greater city will be increased to about fifty-five and a half millions, and the property assessment will be slightly increased also.

The rapid enhancement of value will still further augment the revenue to be derived from the annexed territory by 1910, when the next realty assessment is made by the city assessor.

Many people residing in the suburbs, and probably the great majority of them, will be pleased with pleasure for the reason that it means supplying them with urban comforts and privileges, such as sewerage, city water, paving, police and fire protection, and ultimately better educational facilities. By petitioning the Council the revenue may be greatly increased and the improvements expedited, for if a majority of the landowners petition the Council, the rate will be raised at any time to the city tax rate of \$1.50.

FOUR NEW CHARTERS.

Commission Authorizes Business Concerns to Proceed.

The State Corporation Commission yesterday granted the following charters:

Moherin Candy Company, E. W. Morris, president; L. Wood, treasurer; R. W. Jordan, secretary and treasurer; W. N. Brink, T. E. Brink, T. N. Brink, Capital, \$20,000. Ob.

Arlington Literary Society, Richmond, T. A. Gehhardt, president; Fred Frederick, vice-president; C. C. Gehhardt, secretary and treasurer, Richmond. No capital stock. Ob.

Prestonland Realty Corporation, Norfolk, J. H. Coker, president; T. E. Southgate, vice-president; W. T. Ham, secretary and treasurer, all of Norfolk. Capital, \$100,000. Ob.

The McConnell Manufacturing Company, Roanoke, E. R. Woodward, president; R. R. Fairfax, vice-president; Mervyn Hartman, secretary and treasurer; E. K. Keeler, H. S. Freyall, all of Roanoke. Capital, \$500,000. Object: Manufacturing novelty articles, etc.

WHAT CITY ATTORNEY SAYS OF DECISION.

City Attorney Pollard is naturally inclined to be jubilant over the situation, and, to express the writer fully, was much gratified inasmuch as the results of the victory. Mr. Pollard said:

"The opinion means that the city of Richmond will have immediate control as soon as the final order is entered by the clerk of the Circuit Court. Richmond wins everything.

The police, the fire and the educational departments must take control forthwith, and begin in the annexed territory the exercise of their civil and criminal jurisdiction. All deeds for property in the annexed territory must hereafter be recorded in the clerk's office of the Chancery Court, instead of in the clerk's office of Henrico Court. This about summarizes things, I think. We have won a great fight."

HENRICO BOWS TO WILL OF COURT

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to the court.

JUDGE MANN TO SPEAK.

Will Address Gospel Temperance Meeting Sunday Afternoon.

A gospel temperance meeting will be held under the auspices of the East End Church, C. P. T. U. at the Third Christian Church on Sunday afternoon at 3:15 o'clock. Mr. John Mann will be the speaker and there will be a singing program and other interesting exercises. Judge Mann will be introduced by the Rev. Gerald Culverton, the new pastor of the church.

Judge Mann's popularity as an eloquent and earnest speaker and his prominent identification with the temperance cause and Christian work generally will insure the attendance of a large crowd.

MR. GRAVES APPOINTED.

Named as Grand Marshal to succeed Mr. London.

Mr. Roland E. Chase, grand master, has appointed Mr. G. W. Graves grand marshal of the Grand Lodge of Virginia, to succeed Mr. Geo. F. Landrum, of Portsmouth, resigned. Mr. Graves is a resident of Richmond, and the appointment will go to another part of the State. The many friends of Mr. Graves are very much pleased at his promotion, as it is the highest appointive office in the gift of the grand master.

Funeral of Mr. Laube.

The funeral of Mr. Henry P. Laube, who died on Wednesday, took place yesterday afternoon from Sacred Heart Cathedral. Many people attended the funeral, and the coffin was covered with many beautiful floral decorations, among them being a bouquet given by the Musical Association of this city.

Bad Men of the West.

Researchers for real Western color with which to illuminate their tales of the frontier have for some time been complaining that all the map and stories of the old West in the West, and departed. To a certain extent this is true.

The genuine Indians have nearly all followed the buffalo over the divide into the happy hunting ground of the Great Spirit. The modern cowboy is less careless with his shooting iron and his branding iron than he was in the old days, but it is an error to believe that all of the pleasurable activity which gave color to early days in the West has been eliminated.

The bad man with the gun out on the fringe of civilization is fully as bad as his predecessor of earlier years.—Portland

Tennessee Official Vote.

Patterson, Democrat, 113,866; Evans, Republican, 92,812, was the official vote for Governor in Tennessee.

Woman's Nature

Is to love children, and no home can be completely happy without them, yet the ordeal through which the expectant mother must pass usually is so full of suffering, danger and fear that she looks forward to the critical hour with apprehension and dread.

Mother's Friend

Mother's Friend, by its penetrating and soothing properties, allays nausea, nervousness, and all unpleasant feelings, and

GREAT FIGHT FOR ANNEXATION WON

Supreme Court Hands Down Opinion in Celebrated Case Affirming Decision of Lower Court in Every Particular—Judge Buchanan Dissents.

The most widespread interest was manifested yesterday in the opinion of the Supreme Court of Appeals affirming the decision of the lower tribunal in the new famous annexation case. The opinion was written by Judge Harrison and concurring in by all the court except Judge Buchanan.

Judge Harrison says:

"The subject matter of this controversy is the extension of the corporate limits of the city of Richmond. The evidence before the Circuit Court is not in the record before us, the appellants having appealed solely upon the legal questions involved. Under these circumstances, it must be assumed that the evidence was in favor of the conclusion reached by the Circuit Court upon all questions of fact."

Annexation Act.

He then shows that by reason of the provision in the new Constitution forbidding the passage, by the Legislature of any special act for the purpose of extending the corporate limits of cities and towns, it became necessary for the Legislature to provide by general law for such extensions, that in general law, it was intended to specify what amount of territory should be annexed, so that the necessities would vary according to the size of the city. The law imposed condition and financial liability, and was also impracticable to determine by general law the terms and conditions upon which such extensions should be made. The Legislature was left free to select any instrumentality in exercising the power of annexation to its own ends.

The Legislature, in the opinion of the court, has been guilty of a violation of the bill of rights, which provides that the legislative, executive and judicial departments of the State shall be separate and distinct, and are in violation of Article 3 of the Constitution, which says "except as hereinbefore provided, the legislative, executive and judicial departments shall be separate and distinct, so that neither exercise the power properly belonging to either of the others, nor any person exercises the power of more than one of them at the same time."

Questions of Fact.

Following the decisions of this court, the city of Richmond proceeded to annex territory adjacent to its and upon the appeal by the county of Henrico, the contentious made by H. before the Supreme Court was that the annexation statute of 1904 was unconstitutional and void, because it conferred legislative powers upon circuit courts.

The court, in its opinion, held that the annexation statute was constitutional inasmuch as it was not in conflict with the Constitution, which says "that the power to make laws for the safety of the community, its health, its growth, and the need of the community for future development and expansion. These are matters of fact, and when they are existent the judicial mind of the necessary for or expediency of annexation, the necessity for or expediency of enlargement is determined by the health of the community, its size, its crowded condition, its past growth, and the need in the reasonably near future for development and expansion. These are matters of fact, and when they are existent the judicial mind of the necessary for or expediency of annexation, the necessity for or expediency of enlargement is determined by the health of the community, its size, its crowded condition, its past growth, and the need in the reasonably near future for development and expansion. 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